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GOVERNOR

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TTY USERS CALL VIA MD RELAY

May 21, 2003

The Honorable Michael E. Busch
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401-1991

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 865 – *Prince George's County – Maryland-National Capital Park and Planning Commission – Commissioners*.

House Bill 865 alters the terms of office, beginning on June 15, 2003, for the commissioners of the Maryland-National Capital Park and Planning Commission (M-NCPPC) appointed from Prince George's County and after 2007 to coincide with the term of office of the Prince George's County Executive. The legislation would eliminate the staggered terms of office for all five members of the commission who represent Prince George's County by removing the current members and creating new four-year terms. Additionally, the legislation expands the applicability of the provisions of current law regarding conflicts of interest to M-NCPPC commissioners appointed from Prince George's County.

The Maryland General Assembly created the Maryland National Capital Park and Planning Commission (a quasi-judicial agency) in 1927 to acquire, develop, maintain, and administer a regional system of parks in Montgomery and Prince George's Counties. As an independent entity, the commission has taxing and decision-making authority on developmental and open space issues. Among other duties and responsibilities, the members of the commission convene as the Prince George's County Planning Board to render fair and impartial decisions concerning planning and land use in the county in contested cases.

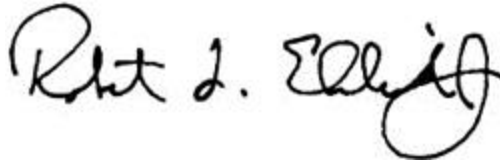
Although the ostensible purpose of the legislation is to make those members of the commission more accountable to the Prince George's County Executive, that goal runs afoul of the well-established checks and balances upon which this great nation was founded. Moreover, this concept conflicts with important policies of this State which favor providing quasi-judicial tribunals enough independence to render sound legal decisions in accordance with local regulations and the law of this State. All known precepts of land use planning envision that said decisions be made on the merits without political influence, engendering public confidence in the decisions made through that process. Indeed, the politicizing of such a critical planning body in the regulation of land use is at once unhealthy and wholly unnecessary, a result that is especially troubling because M-NCPPC is chartered as an agency of the State of Maryland to protect a region-wide interest in the ordered development of Montgomery and Prince George's Counties.

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Perhaps the most glaring flaw in House Bill 865 is the extent to which it departs from the mainstream of modern government. Since the advent of public land use regulation during the 1920s and 1930s, planning commissions have been structured throughout the United States with staggered terms, not only to moderate the potential for direct political control, but also to preserve some measure of institutional memory and provide a stable body that survives the ebb and flow of election cycles. A staggered term system facilitates fluid transition of board composition by integrating new appointees into a body of more seasoned colleagues, thereby carrying forth vital institutional memory and promoting uninterrupted board effectiveness. Citizens and applicants alike have a right to expect that members of a planning commission will plan and objectively resolve disputes based upon land use laws and regulations coupled with substantive expertise and knowledge, often in very complex circumstances. A planning commission composed entirely of neophytes could undoubtedly present a distinct disadvantage, with no institutional knowledge to draw from, in a complicated case. Planning project approvals or disapprovals should be based solely on the merit of the application, and should not be subject to political pressure.

For the above stated reasons, I have vetoed House Bill 865.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Ehrlich, Jr.", with a stylized, cursive script.

Robert L. Ehrlich, Jr.
Governor